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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,548	12/02/2004	Leonardus Joseph Michael Ruitenburg	NL 020540	5731

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EXAMINER	
HU, RUI MENG	

ART UNIT	PAPER NUMBER
2618	

NOTIFICATION DATE	DELIVERY MODE
05/13/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No.	Applicant(s)	
	10/516,548	RUITENBURG ET AL.	
	Examiner	Art Unit	
	RuiMeng Hu	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 February 2009* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-6 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 5 and 6** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 5 reciting “the receiver signal strength indication circuit comprises an integrated tuner”, however according to the specification paragraph 1, the integrated tuner comprises the RSSI circuit; claim 5 further reciting “the memory means is placed on the RSSI circuit", however the specification paragraph 15 only recites the memory is separated from the integrated tuner. Claim 6 reciting “the receiver signal strength indication circuit comprises an integrated tuner”, however according to the specification paragraph 1, the integrated tuner comprises the RSSI circuit; claim 6 further reciting “the memory means is integrated into the integrated tuner”, however paragraph 15 recites the possibility of flash memory in future on board of the integrated tuner, it is

clear that this feature is not practical and not certainty at the time of the invention. Therefore, claims 5 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 1 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Katsura et al. (US Patent 6683925)** in view of **Jacques et al. (US Pub 2002/0048267).**

Consider **claim 1**, Katsura et al. disclose (figure 11) a receiver signal strength indication circuit receiving a discretely controlled amplified signal from an amplifying means 15, the circuit comprising: narrow filter means 7 coupled to an output of the discretely controlled amplifying means 15, said narrow filter means 7 providing a limited spectrum of the input signal; logarithmic detector means 11 for receiving and logarithmically amplifying an output of the narrow filter 7; analog-to-digital (ADC) means 12 for converting the output of the logarithmic detector to a digital receiver signal strength indication. In a second embodiment, Katsura et al. disclose (column 9 line 55-column 10 line 13, figure 16) memory means 35 to store an amplification setting of the discretely controlled amplifying means relative to a first radio-frequency (RF) input level and the digital receiver signal strength indication.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Katsura et al. (figure 16, table 35) into the art of Katsura et al. (figure 11) as to include table 35 for a fast control.

Katsura et al. disclose a level of a received signal supplied to a variable gain circuit is detected at a start of an operation by a level detection circuit having a wide input voltage range and a gain of the variable gain circuit is coarsely feedback

controlled. However Katsura et al. fail to disclose wherein the stored amplification setting is configured to serve as a reference to tune the circuit for a subsequent RF input level.

In the same field of endeavor, Jacques et al. disclose (Abstract) successive received signal strengths are measured and gain levels are stored as estimates for an initial gain level in future time slots of the TDD signal.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Jacques et al. into the art of Katsura et al. as to use a stored gain setting associated with a gain level for setting an initial gain level in future.

Consider **claim 4 as applied to claim 1**, Katsura et al. as modified by Jacques et al. disclose wherein the amplifying means include a mixer (figure 11, mixer 5).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Katsura et al. (US Patent 6683925)** as modified by **Jacques et al. (US Pub 2002/0048267)** in view of **Lampe et al. (US Patent 5852772).**

Consider **claim 3 as applied to claim 1,** Katsura et al. as modified by Jacques et al. fail to disclose wherein the amplifying means include selectivity filtering means connected between the discretely controlled amplifying means and the logarithmic detector means. This teaching is taught by Lampe et al. in figure 8, first filter 72 or second filter 84 connected between the amplifying means 64 and the log detector 76.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Lampe et al. into the art of Katsura et al. as modified as to include the filtering means to adaptively remove interferences.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RuiMeng Hu whose telephone number is 571-270-1105. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/RuiMeng Hu/
R.H./rh
April 27, 2009

/Lana N. Le/
Primary Examiner, Art Unit 2614